

Legislative Efficiency and Political Inclusiveness:

The Effect of Procedures on Interest Group Mobilization in the European Parliament

Abstract. This paper contributes to discussions surrounding interest group representation in the European Parliament. Drawing from conceptualizations of legitimacy, and theoretical work on information-access we argue that different procedures bestow a different type of authority to parliamentary committees affecting their legitimacy orientation, in turn impacting the balance between private and public interests mobilized. We assess a population of 10,000 accredited lobbyists, and the procedural output across the 7th legislature's committees (2009-2014). Our analysis indicates that committees with a higher ratio of Ordinary Legislative Procedures to Own Initiative Reports see greater private interest mobilization. Conversely, in committees where the procedures' ratios are inverse we observe greater public interest mobilization. Theoretically, we provide a novel approach for framing the committee's nature from a procedural perspective, bridging discussions on interest group mobilization and the democratic deficit. Empirically, the results overturn the premise of business dominance across the institution's committees through a unique dataset.

Key Words: legitimacy; committees; democratic deficit, parliamentary procedures; interest groups; European Parliament

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1| INTRODUCTION

Studies on interest group mobilization offer key insights into policy-making processes by mirroring institutions' locus of activity, power, and bias (Chaqués-Bonafont & Muñoz Marquez 2016; Brack & Costa 2018). To comprehend the nature of the European Parliament's (EP) growing authority (Westlake 2018) and its committees' roles in the policy process, it is important that we examine interest mobilization in this black box (Fasone & Lupo 2015; Coen & Katsaitis 2018; Pedersen et al. 2015). Significantly, we need to consider the delegation of powers since the Lisbon Treaty, and the creeping competencies that go beyond legislative procedures (Héritier & Reh 2012).

Drawing from conceptualizations of legitimacy (see Benhabib 1994; Eriksen 2005; Scharpf 1998) and theoretical work on information-access (Austen-Smith 1993; Farel & Rabin 1996) we argue that the mix of procedures committees engage in shapes their legitimacy orientation, impacting the type of interest groups that mobilize around them. We accept that a group's organizational structure and its public or private character determine the legitimacy (input or output) that it carries to the policy-making process.

Under procedures where the responsible committee has co-legislative authority its legitimacy rests on the quality of its output associated with notions of effectiveness and efficiency, pushing the committee to consult with greater numbers of private interests as it governs 'for the people' (see Radaelli 1999; Egeberg et al. 2003; Weale 2018). By contrast, under procedures where the committee has political initiative it aims to be responsive to its constituents' demands by raising popular issues on the EU's agenda. Its authority is dependent on its input legitimacy, associated with notions of inclusiveness and openness (see Eriksen & Fossum 2002; Parkinson & Mansbridge 2012); as the EP aspires to govern 'with the people' the presence of public interest groups swells.

This paper contributes to the literature in three distinct ways. First, it examines the diversity of interest group mobilization across the EP's committees introducing a unique image of 10,000 accredited lobbyists. Second, following an analysis of the 7th legislature's procedural output, it uncovers a significant body of parliamentary initiatives that expand the EP's role beyond (co-) legislating. Third, it uses conceptualizations of legitimacy and parliamentary procedures innovatively to model committees' impact on interest group mobilization.

2| LEGITIMACY & PARLIAMENTARY PROCEDURES

In an ever-more integrated EU polity, the various decision-making functions cut across interconnected institutional structures, tangling the various actors and resources mobilized (Marks & Hooghe 2009). As a result, traditional conceptual vehicles face limitations in explaining interest group diversity within sub-systems – thought of as policy fields, committees or Directorate Generals (DGs). On the one hand, a single committee can take on seemingly contrasting traits, such as economic and democratic, regulatory and distributive, technical and political – a dynamic that restricts the validity of modelling interest group diversity within sub-systems based on policy-traits and informational demands. On the other hand, interest groups' evolving strategic behaviour

reduces the validity of attributing information-expertise monopolies to types of groups (see Coen & Katsaitis 2015; Berkhout et al. 2015). As such, theories ascribing political expertise solely to civil society and technical expertise only to business groups, fail to capture the intricacies and complexities of today's lobbying scene.

Moreover, work on interest group mobilization within the EP specifically has expanded over the past 10 years, moving down to the committee level. However, it simplifies the parliament's function by focusing primarily on its (co-) legislating capacity. The EP utilizes various procedures across its committees, which in turn impact its institutional behaviour. Thus, the above mentioned conceptual limitations are implemented on a segment of the total procedures employed by the parliament's decision-makers, bounding our understanding of committees' policy-making activity and its impact on interest groups.

Research seeking to conceptually frame committees' (or sub-systems more broadly) impact on interest groups, could alternatively concentrate on the distinct building blocks that construct it. Procedures are legal and/or constitutional expressions of institutional competences, well-defined tools serving specific functions that ultimately can be translated into forms of authority. Aiming to sort interest group mobilization across the EP's committees, we argue that their procedural output offers an elegant framing device. Moving towards this direction would broaden our understanding of interest group activity with respect to a richer spectrum of parliamentary functions. In the next section, we describe how legitimacy can model variations of authority across procedures, and discuss their effect on committees and interest group mobilization.

2.1| Legitimacy & Interest Groups

In a democratic polity, institutional legitimacy can be input or output oriented, depending on the form of authority delegated to the institution by its principals (see Benhabib 1994; Eriksen 2005; Schmidt 2004; Weale 2018; Zürn et al. 2012). Input legitimacy is defined as the acknowledgement of authority associated with the inclusiveness and openness of the decision-making process, and its responsiveness to the beliefs, norms, and debates of a community; it is rooted in notions of governing *with the people*. Under input legitimate institutions: "*decisions should originate from the authentic expression of the preferences of the constituency*" (Scharpf 1998 p.2). Such institutions hold democratic credentials and are linked to deliberative procedures, for example, parliamentary elections.

Output legitimacy is defined as the acknowledgement of the quality of a decision made or output produced associated with the epistemic standards of a community (Radaelli 1999; Bellamy 2010); it is rooted in notions of governing *for the people*. Collectively binding decisions should serve the common interest of the constituency. "*...the powers of government can be employed to deal with those problems that the members of the collectivity cannot solve either individually, or through market interactions, or through voluntary cooperation.*" (Scharpf 1998 p3). Thus, output legitimacy is in higher demand in institutions entrusted with scrutinising decisions or upholding standards, for example the European Court of Justice.

Interest groups carry legitimacy that is input or output oriented, depending on their organizational structure and incentives. Aiming to represent their interests, groups mobilize to

monitor and influence policy through various policy-making channels. Institutions, and their actors, instigate interest group mobilization to access the legitimacy they carry, as a way of retaining their authority. Interest groups can be divided under two broad categories: public and private.

Public interest groups, such as civil society organizations (CSOs), represent grassroots movements and interests that are part of the public domain, incentivized by public support expressed through registered members. Acting as norm entrepreneurs that by default politicize their lobbying, they add to the breadth and participatory character of the decision-making process: the legitimacy they carry is *input* oriented. By contrast, private groups such as businesses or trade associations represent owners and shareholders. They are incentivized by results reflected in maximizing profit or increasing market share, and contribute to the standards of the decision rather than the processes inclusiveness; the legitimacy they carry is *output* oriented¹. Different procedures employed by the EP's committees hold a different authority which influences the balance of input/output legitimacy in demand, ultimately impacting the lobbying population mobilized. We underline that this paper is looking at mobilization and not influence. We focus on two distinct procedures that cover approximately 70% of the 7th legislatures procedural output: the ordinary legislative procedure and own initiative reports.

2.2 | Legislative Efficiency & Output Legitimacy

Files under the ordinary legislative procedure (OLP) are the only case where the EP acts on equal terms with the Council and the Commission. Under such legislative initiatives, the Commission is charged with producing proposals, its legitimacy is linked to the quality of the policy output rather than the inclusiveness of beliefs and ideas in the decision-making process (Neyer 2010; Majone 2002). Similarly, while the Council consists of national governments' ministers, it also produces its resolutions behind closed doors, associating its authority with the legislative product (Heisenberg 2005). For both institutions, the authority they are delegated under OLP is one in which they govern *for the people*.

As the only EU institution held directly accountable via elections, the EP must influence legislative outcomes in ways that represent and respond to its constituents' ideas and beliefs to highlight its relevance to the electorate. To achieve influence, amendments must speak the Commission's and the Council's language to be considered in the decision-making process (Rosén & Tørnblad 2018; Krepel 2018). Amendments that harm the output's quality, or delay the legislative process, can lead to the Commission and the Council side-lining the parliament in future legislative initiatives by utilizing alternative procedures. Therefore, the EP takes care when framing its amendments and argumentation focusing on their output legitimacy, instigating the private interest mobilization as the most relevant actors rather than expanding the involvement of public interests (Bouwen 2004). That is to say, the committee focuses on its role as a sub-system within a working parliament (Lord 2018).

Committee meetings that take place before trilogues exacerbate this effect. The MEPs and rapporteurs are handed unique powers of representation as they try to modify proposals through amendments, focusing on avoiding a legislative gridlock (see Crombez & Hix 2015). In

¹ We note that this dichotomy is not exclusionary.

the 7th legislature, approximately 80% of all OLP files were passed at first reading or early second reading, suggesting a high degree of informal agreement between the three institutions before formal discussion within the relevant committee (Burns et al. 2013; Reh et al. 2013). Therefore, under OLP the committee's authority is associated with governing *for the people*, making input legitimacy less valuable in comparison to output legitimacy. As such, output legitimacy oriented private interests are incentivized to mobilize more than input oriented public groups.

2.3 | Political Initiatives & Input Legitimacy

Own Initiative Reports (INI) fall under the category of resolutions and initiatives procedures. Files under this procedure permit committees to produce a resolution that addresses a specific issue and proposes solutions on their own initiative. Similar to a legislative file, the report is written by a rapporteur, debated, amended and voted on at the committee level, and afterwards sent for confirmation at the plenary. Once adopted an INI is a formal resolution produced solely by the EP, but it does not have a binding character for EU policy. Moreover, INIs can address smaller constituencies than the Commission's, as MEPs aim to show to their electorate that they represent their interests. As political initiatives their value rests in the accurate representation and inclusiveness of beliefs and norms in the issues addressed. That is to say, under INIs the EP operates within a frame of governing *with the people*.

Therefore, INIs serve as a tool for MEPs and political groups through which they can politicize issues that affect their constituencies, and attempt to place them on the EU's agenda. Conversely, MEPs can divert public backlash and political costs from unpopular areas of EU policy towards other institutions by producing INIs as counter-resolutions, for example reports on austerity measures conducted under INIs. Furthermore, INIs do not need to be adopted but can be used to make an argument that benefits MEPs or parties. While vetoing a legislative proposal may be considered an EU policy failure, and may entail inter-institutional retribution, INIs offer a softer approach that need not lead to such reprimand for the parliament or the committee.

At the same time, the EP discreetly attempts to override the Commission's monopoly of legislative initiative by capitalizing on publicly salient issues that offer an opportunity for legislative action; inviting public interests to contribute improves the reports' representative capacity. Through reports in areas such as EU transparency, funding for regional projects or genetically modified foods, responsible committees can signal to their institutional counterparts (DGs in particular) potential areas of legislative activity without openly contesting them or risking direct rejection². Overall, INIs give the EP a distinct political function, highlighting its representative nature. The MEPs aim to produce resolutions that express as much as possible their constituencies' original demands. Therefore, in INIs input legitimacy is in greater demand than output legitimacy, which leads to greater public interest mobilization. In the following section, we provide the expectations that frame our argumentation, and the methodology for examining them.

² The EP can also use Legislative Initiative (INI) to invite the Commission to submit a proposal, however this is a much rarer case and the Commission is not obliged to fulfil this request.

3| METHODOLOGY

Any EP committee can function under a different type of authority depending on the procedure it engages with, making different types of legitimacy more or less relevant. Because interest groups organizational structure affects the legitimacy they carry, the types of group mobilizing across committees are affected by the committees' procedural output. If a committee engages in more OLP than INI files, then there should be a greater mobilization of private over public interests. Conversely, if a committee engages in more INI than OLP files, then there should be a greater mobilization of public over private interests. We outline this argument under two expectations.

E1: If a committee utilizes more OLP than INI files, we will observe greater private interest mobilization over public interest mobilization.

E2: If a committee utilizes more INI than OLP files, we will observe a greater public interest mobilization over private interest mobilization.

Our theoretical framework attempts to model overall patterns of behaviour across committees, and we have therefore taken a quantitative approach that aims to test the validity of our argumentation while offering reliable replications. To test our expectations we gathered secondary data on procedural output and interest group mobilization, across the 7th legislature's 20 committees (2009-2014). Interest groups that aim to mobilize within the EP on a permanent basis apply for an accreditation that allows them to enter the institution at opening time without having to register at reception. Accreditations are valid for one year and apply to specific individuals per interest group, and they are non-transferable. Interest groups are classified under one of six categories: (i.) professional consultancies / law firms / self-employed consultants; (ii.) companies' in-house lobbyists and trade / professional associations; (iii.) non-governmental organisations; (iv.) organisations representing churches and religious communities; (v.) organisations representing local, regional and municipal authorities, other public or mixed entities, *etc.*; (vi.) think tanks, research and academic institutions.

We focus on accredited individuals for two reasons. First, through accreditations we can safely infer at least a minimum of mobilization: accredited individuals are definitely interested in conducting lobbying activity and mobilize *within* the EP by applying for the permit. Second, accredited individuals are required to specify upon registration their committees of interest, i.e. committees they aim to lobby. The data was collected as part of a broader research project on interest group mobilization in the EP conducted for the Committee on Constitutional Affairs (see Coen & Katsaitis 2015) and covers approximately 10,000 lobbyists accredited during the 7th legislature, along with information on their committees of interest and the type of interest group they belong to. This variable better operationalizes interest mobilization across committees, as a specific group may place more than one accredited individual per committee. Conversely, the same accredited individuals may operate across more than one committee. The population provided a total of 24,225 indications of committee interest, approximately 2.4 committees per lobbyist, allowing us to observe the extent of lobbying mobilization per type of organisation across the committees.

Operationalizing the types of interests, we utilize categories that can be reliably classified either in the private or public group of interests. For private interests (such as companies and trade or economic associations) we utilize data from the category ‘in-house lobbyists’; while for public interests we utilize data from the category ‘NGO groups’ (or civil society organisations) and regional and local authorities. We are confident of the sample we focus on for our analysis, which represents approximately 78% (18,919) of all data points. We excluded from our analysis the remaining categories as their role is harder to classify reliably, while they also represent a considerably smaller percentage of the accredited population. We note that professional consultancies – the third largest group of accredited individuals (18% of all data points) within the EP – are hired professionals that act as mediators for their clients. However, less is known about who precisely they work for on a per file basis. As such we cannot confidently assign them to either the private or public category, as their legitimacy is tied to the client they represent per case.³

We collected information on the procedural output per committee using its online archive and search engine. Out of a total of 19 different procedures that fall under five different categories, we excluded the category of internal organization procedures, which are not relevant to our analysis as the EP utilizes them for internal communication (they are limited). We created a dataset with the output per committee across the remaining 16 procedures that fell under four categories: legislative, non-legislative, budgetary and discharge, and resolutions & initiatives. We then proceeded to exclude types of procedures that contained no files or very few files, leaving us with nine types of procedures (12,081 files / data points)⁴. Our analysis focuses on files under INI and OLP that cover nearly 70% (8,348) of the committees procedural output.

We do not address other legislative files because OLP is the only procedure that gives the EP the ability to scrutinize legislation, co-legislating along with the Council with the nuclear option to veto policy. Other types of legislative procedures (e.g. Consultation Procedure, CNS) give the EP a consulting role with an ability to somewhat delay procedures. We do not address budgetary and discharge procedures, which between them cover 17% of the output. Two committees engage primarily with these specific procedures, the Budget Committee and the Budgetary Control Committee, and receive little interest group mobilization because of their limited power to impact budgets that are created by the Commission and the Court of Auditors. Finally, we recognize that in an ideal case there would be information explicitly linking specific interests mobilized per file-procedure, however such information is unavailable in the EU and in most interest group databases around the world (OECD 2014). We highlight that this paper aims to theoretically frame overall patterns of behaviour based on the committees’ procedural mix. We call for future case-study work to clarify its mechanisms, leading to a better understanding of how different authority functions per file-procedure impact interest group activity. In the next section, we present our analysis.

³ We note that future work on EU lobbying and mobilization could benefit considerably by an empirical analysis untangling the role this specific category of lobbyists play in EU policy-making.

⁴ For a detailed descriptive breakdown of procedural output and interest groups mobilized across committees, please refer to Coen & Katsaitis 2015.

4 | ANALYSIS

We begin by assessing the overall relationship between the variables utilizing a Pearson’s product-moment correlation. This gives us a measure of the strength between the procedures examined (OLP and INI) and the types of interest groups mobilized (public and private), thus allowing us to test the expectations. Overall, the results (see table 1) lend support to our argument: OLP files have a much stronger correlation with private than with public groups. Conversely, INI files show a stronger correlation with public rather than with private groups that is statistically significant. We observe, with smaller statistical significance but at reasonable levels, that public interests show a weaker correlation to OLP files while private groups also show a correlation with INI files. Files are multi-faceted, which may lead to the mobilization of other types of groups as well but at a smaller rate, for example private interests are a part of MEPs constituencies, justifying their mobilization in INIs. Conversely, older and professionalized NGOs that have achieved insider status are invited to participate in OLP negotiations (see Dur & Matteo 2016 on insiders/outsiders). Similarly, we also note the correlation between private and public interest groups due to issue overlap, public and private interest groups may mobilize under common themes within committees as they offer different forms of legitimacy for a common issue i.e. environmental protection.

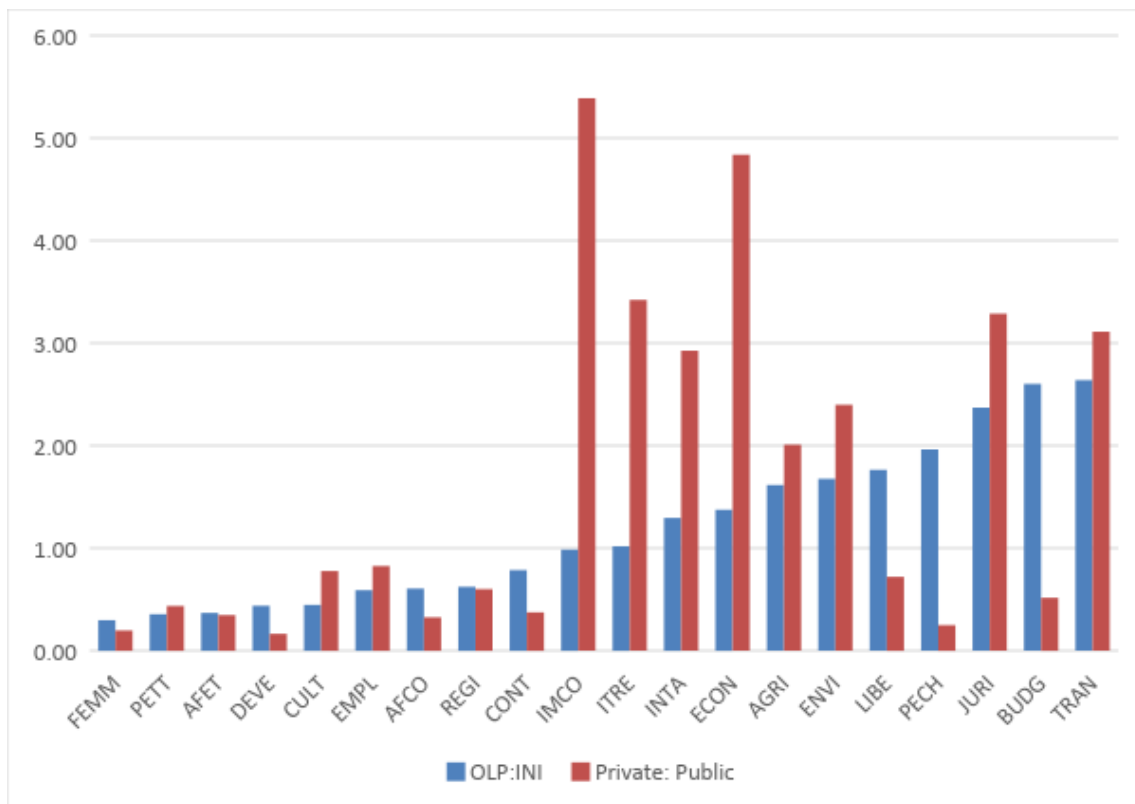
Table 1: Pearson’s R assessing the correlation between variables

	OLP	INI	PRIVATE	PUBLIC
OLP	1	.292 (.212)	.680 (.001)	.396 (.084)
INI	.292 (.212)	1	.427 (.060)	.704 (.001)
PRIVATE	.680 (.001)	.427 (.060)	1	.590 (.006)
PUBLIC	.396 (.084)	.704 (.001)	.590 (.006)	1

*p values in parentheses, N=20

If our conceptualization holds, the population’s diversity across committees should follow their procedural output-mix. Thus, when the number of OLP files in relation to INI files is greater, the number of private interests will be greater than public interests. Conversely, if the number of INI files in relation to OLP files is greater, then the number of public interests will be greater than private interests. We can also think of this relationship in terms of ratios: if the ratio of OLP to INI files is greater, then the ratio of private interests to public interests will be greater, and vice versa. We plotted the results from smallest procedural ratio to largest (see figure 1). It should be noted that the ratios do not mean that committees are more densely populated or that they have greater procedural output; rather, the ratios provide the relative relationship between types of procedural outputs and types of interest groups mobilized.

Figure 1: Comparison between procedural (OLP: INI) and interest group mobilization (Private: Public Interests), across committees.



We observe a division between committees that supports our expectations. Committees that have greater relative INI procedural output (where $OLP/INI < 1$) have public interests mobilized in greater numbers than private interests. Meanwhile in committees that have greater relative OLP output (where $OLP/INI \geq 1$), there is greater private interest mobilization. As MEPs aim to politicize resolutions or address politicized issues through INIs they demand input legitimacy supplied primarily by public interests, confirming their empowered role in the EP (Rasmussen M. 2016) and dominance within specific committees. As the procedural ratio shifts from INI towards OLP files and output legitimacy becomes more relevant, private interests mobilize strongly. In agreement with resource-mobilization arguments, business groups are better

equipped to mobilize more resources (e.g. staff), when they are incentivized to mobilize they do so in greater numbers. This intensifies the procedural function's effects, OLP files create an environment that sees public interest mobilization overshadowed by private interests. Substantively, these results raise normative questions surrounding the parliament's lack of legislative initiative, and public interest representation in the processes within them, which we address in the following section.

Across the 20 committees we find three exceptions: LIBE (Civil Liberties Justice & Home Affairs), PECH (Fisheries) and BUDG (Budgetary). LIBE is the only of the three committees that has a substantial capacity to impact interests across the EU, and is renowned for representing diffuse interests on highly politicized subjects, such as surveillance and online data protection. Thus, LIBE is the focus of diffuse interests that perceive it as an access point into the broader policy-making process – surpassing the private interest mobilization. The Budgetary and Fisheries committees are both particular cases because they offer little in terms of EU-wide policy impact. BUDG confirms budgets prepared by the Commission and the Court of Auditors with limited capacity to impact them, and primarily produces a specific type of output under budgetary and discharge procedures, rather than OLP files. Similarly, PECH sets fishing quotas but not all member states are directly interested. The committee's limited impact in terms of implementation and constituency size reduces their need for output legitimacy to remain relevant, artificially increasing the demand for input legitimacy and public interest mobilization. Overall, the results support the argument that interest group diversity across committees is impacted by the mix of legislative files and political initiatives. In the next section, we discuss the results' implications.

5 | IMPLICATIONS

In this paper, we aimed to assess the impact different parliamentary procedures have on interest group mobilization. Based on our analysis, we identify a distinct link between specific types of interest groups and procedures noting a two-fold mobilization bias at play. Private interests mobilize primarily in committees that engage in more legislative procedures, and public interests are more active in committees that engage in more political procedures. This underscores an issue with the Commission's legislative supremacy and the limitations the EP faces without legislative initiative. The European Parliament scrutinizes and impacts legislative files under a similar legitimacy setting as the Commission (see Bellamy & Kroger 2016), encouraging stronger public interest mobilization in the (co-)legislative context within a designated committee (LIBE). Nevertheless, a parliament exercise a useful scrutiny function that can only be effective if they can draw information-expertise from sources different to those of the executive. That is to say, if both the EP and the Commission are listening to the same type of interests, this may have implications for the former's capacity to exercise independent scrutiny on legislative proposals.

Furthermore, the results quantify public representation issues identified with the OLP (Andlovic & Lehman 2013; Lord 2013), in terms of public versus private interest mobilization (Katsaitis 2015). From a normative perspective, one question that arises is whether the parliament should attempt actively to instigate the mobilization of public interests where it is limited. As a directly elected institution, charged with bringing citizens closer to the policy-making process, not actively doing so may ultimately place its own democratic credentials and relevance in question –

risking the entire system's legitimacy (see Majone 2014; Olsen 2017). Because the EP is a non-majoritarian parliament that represents a broad European electorate with multiple small constituencies, its committees attempt to balance their focus on outputs with input considerations. However, this needs to be done by closing the gap within legislative procedures. Attempting to close the gap between private and public interest representation artificially through INIs, does not resolve limited public engagement in legislative procedures. From a public administration perspective, a potential solution would be to expand the EP's capacity to conduct independent research through its research service in order to limit its need for information-expertise from interest groups.

Procedural initiatives have an impact on lobbyists within the EP and they may have an impact on other institutions as well. While we have researched how the Commission's legislative initiatives impact lobbying in the EP, we know little about the reverse effect. As the EP impacts policy through inter-institutional exchanges (Naurin & Rasmussen 2013; Hage 2013) it is possible that the EP may also lead to interest mobilization in other EU institutions through its own political initiatives. Moreover, INIs may act as a mechanism that provides valued input legitimacy for the entire EU system, guiding public interest mobilization across the board. Nevertheless, we have a limited understanding about INIs role in the broader policy-making process, their potential impact on the Commission's agenda, and the extent to which other EU institutions welcome this activity. As such, we identify INIs as an understudied area, which limits our understanding of EU policy-making, cross-institutional interactions, and interest group mobilization. Future work in this area can enlighten the multi-faceted relationship between institutions, procedures, and interests in Brussels.

From an interest intermediation perspective the results confirm the existence of a diffuse population of interests (Lehman 2009), along pluralist lines (Coen & Richardson 2009). However, EU pluralism(s)' proponents should consider that the population's mosaic is largely covered by two types of groups: business (companies and associations), and NGOs / CSOs.

Significantly, as the same committee can engage under different functions of authority, conceptual models need to be able to frame interest group activity at finer levels of analysis (see Eising et al. 2017). We find that conceptualizations of legitimacy provide a valuable tool that allows us to achieve this goal. Moreover, they enable us to translate legal-procedural functions into forms of authority, we call on research to test its potential cross-institutional value. In this paper, we frame interest group mobilization with respect to the EP's different procedures, however the principle may apply to other congresses and parliaments.

A substantial body of work has offered theory-generating results in terms of interest group mobilization within institutions with respect to legislative activity (Gray et al. 2005; Baumgartner et al. 2009). We posit that there is space for further exploration within institutions as well as comparative approaches assessing the procedures impact on interest group activity. Finally, we note that we know surprisingly little about the activity of the third largest group of interests in the EU, professional consultancies. While some work has engaged in examining the biggest clients (Greenwood & Dregger 2013), future research that assesses their activity on a per file basis can offer valuable insight into the EU lobbying universe.

6 | CONCLUSIONS

In this paper, we aimed to open the EP's black box, by assessing the impact of parliamentary procedures on interest group mobilization. Drawing from conceptualizations of legitimacy and information-access theories, we argued that different types of procedures provide a different type of authority to committees, impacting their legitimacy needs and in turn the balance of private and public interests. We focused on two procedures, the ordinary legislative procedure (OLP) where the EP co-legislates on an equal footing with other EU institutions, and own initiative reports (INI) where the EP produces a resolution that addresses a specific issue. We argued that under OLP co-legislating committees require output legitimacy as they scrutinise the Commission's proposals inviting relevant private interests to provide information-expertise. Inversely, in the case of own initiative reports committees incentivize civil society mobilization as they try to gather input legitimacy, in an attempt to assert their political-representative nature.

We tested our argument on a population of 10,000 lobbyists and the procedural output of the EP's 7th legislature, across its 20 committees (2009-2014). In support of our expectations, the results bring four central implications. First, from a conceptual perspective the paper brings to light a different role that the parliament holds, beyond legislating, which remains little addressed by the literature. Second, we provide an alternative model for framing interest group mobilization across committees. Modelling interest group diversity across sub-systems requires conceptual tools that can model permanent institutional traits at fine-grained levels of analysis, we find that conceptualizations of legitimacy offer a fruitful way forward. Third, the paper underscores that the democratic deficit in terms of interest group representation has a procedural aspect. That is to say, addressing the deficit requires encouraging public interest participation in OLP files. Substantively, the proposed model can be applied to other parliamentary settings offering a timely research avenue in the field. Finally, we know little about the employment of INIs as a strategic tool and their potential cross-institutional implications as a vehicle of political initiatives. Future work could examine the EP's impact on interest group activity within it, as well as across institutions.

REFERENCES

- Andlovic M., & Lehmann W. (2014). Interest group influence and interinstitutional power allocation in early second-reading agreements: a re-examination of aviation emissions trading. *Journal of European Public Policy*, 21(6), pp.802–821. Available at: <http://dx.doi.org/10.1080/13501763.2014.910246>.
- Austen-Smith D. (1990). Information and Influence: Lobbying for Agendas and Votes. *American Journal of Political Science*, 37(3), 789-833.
- Baumgartner F.R., Gray V., & Lowery D. (2009). Federal Policy Activity and the Mobilization of State Lobbying Organizations. *Political Research Quarterly*, 62(3), pp.552–567.
- Bellamy R. (2010). Democracy without democracy? Can the EU's democratic “outputs” be separated from the democratic “inputs” provided by competitive parties and majority rule? *Journal of European Public Policy*, 17(1), pp.2–19. Available at: <http://www.tandfonline.com/doi/abs/10.1080/13501760903465256>.
- Benhabib, S. (1994). Deliberative rationality and models of democratic legitimacy. *Constellations*, 1 (1).
- Berkhout J., Carroll B. J., Braun C., Chalmers A. W., Destrooper T., Lowery D., Otjes S., Rasmussen A. (2015). Interest organizations across economic sectors: explaining interest group density in the European Union, *Journal of European Public Policy*, 22:4: 462-480.
<https://doi.org/10.1080/13501763.2015.1008549>
- Bouwen P., (2004). The Logic of Access to the European Parliament: Business Lobbying in the Committee on Economic and Monetary Affairs. *JCMS: Journal of Common Market Studies*, 42(3), pp.473–495. Available at: <http://doi.wiley.com/10.1111/j.0021-9886.2004.00515.x>.
- Brack N., Costa O. (2018). Introduction: the European Parliament at a crossroads. *Journal of Legislative Studies*, 24 (1): 1-10.
- Burns, C., Rasmussen, A. & Reh, C. (2013). Legislative codecision and its impact on the political system of the European Union. *Journal of European Public Policy*, 20(7), pp.941–952. Available at: <http://www.tandfonline.com/doi/abs/10.1080/13501763.2013.795366>.
- Chaqués-Bonafont L., & Muñoz Márquez LM. (2016). Explaining interest group access to parliamentary committees. *West European Politics*, 39(6): 1276-1298.
- Coen D., Katsaitis A. (2018). Between Cheap Talk and Epistocracy: the Logic of Interest Group Access in the European Parliament’s Committee Hearings (*forthcoming*). Available: <https://doi.org/10.1111/padm.12406>
- Coen D., Katsaitis A., (2015). *Institutional & Constitutional Aspects of Special Interest Representation*: European Parliament Publication. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519229/IPOL_STU\(2015\)519229_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519229/IPOL_STU(2015)519229_EN.pdf)
- Coen D., Richardson J. (2009). Institutionalizing and managing intermediation in the EU: In (eds). Richardson J., and Coen D., *Lobbying the European Union*. New York: Oxford University Press.
- Crombez, C. & Hix, S., 2015. Legislative Activity and Gridlock in the European Union. *British Journal of Political Science*, 45(03), pp.477–499. Available at: http://www.journals.cambridge.org/abstract_S0007123413000380.
- Dür M., Mateo G., (2016). *Insiders versus Outsiders: Interest Group Politics in Multi-Level Europe*. New York: Oxford University Press.
- Eising R., Rasch D. & Rozbicka P. (2017). National interest organisations in EU policy-making, *West European Politics*, 40 (5): 939-956, DOI: 10.1080/01402382.2017.1320174. 2003.
- Egeberg, M., Schaefer, G. and Trondal, J. (2003). The many faces of EU committee governance. *West European Politics*, 26(3): 19–40.
- Eriksen E. O. (2005). Ed. *Making the European Polity: Reflexive Integration in the EU*. London: Routledge.

- Eriksen E. O. & Fossum J. E. (2012). Representation through Deliberation - The European Case. *Constellations* 19(2). Available At: doi: [10.1111/j.1467-8675.2012.00677.x](https://doi.org/10.1111/j.1467-8675.2012.00677.x)
- Eriksen, E. O., Fossum, E. (2002). *Democracy in the European Union: Integration through Deliberation?* London: Routledge.
- Farrel, J., Rabin M. (1996). Cheap-Talk. *Journal of Economic Perspectives*, 10(3): 103-118.
- Fasone C., & Lupo, N. (2015). Transparency vs. Informality in Legislative Committees: Comparing the US House of Representatives, the Italian Chamber of Deputies and the European Parliament. *Journal of Legislative Studies*, 21(3), 342-359.
- Gray, V., Lowery, D., Fellowes, M., & Anderson, J. L. (2005). Legislative Agendas and Interest Advocacy: Understanding the Demand Side of Lobbying. *American Politics Research*, 33(3), 404–434. <https://doi.org/10.1177/1532673X04266638>
- Greenwood J. (2017). *Interest Representation in the European Union*. 4th Edition. London: Palgrave.
- Häge, F.M. (2011). Politicizing Council Decision-Making: The effect of EP Empowerment. *West European Politics*, 34(1), pp.19–47.
- Heisenberg D., (2005). The Institution of Consensus in the European Union: Formal vs. Informal decision-making in the Council. *European Journal of Political Research*, 44 (1), pp. 65-90.
- Héritier, A. & Reh, C. (2012). Codecision and Its Discontents: Intra-Organisational Politics and Institutional Reform in the European Parliament. *West European Politics*, 35(5), pp.1134–1157.
- Katsaitis A. (2015) EU Democratic Deficit(s) and Legitimacy; System versus Sub-System Level. In: Demetriou K. (eds) *The European Union in Crisis*. Springer, Cham.
- Kreppel A. (2018). Bicameralism and the balance of power in EU legislative politics. *Journal of Legislative Studies*, 24 (1): 11-33.
- Kröger S. & Bellamy R. (2016). Beyond a Constraining Dissensus: The Role of National Parliaments in Domesticating and Normalising the Politicization of European Integration, *Comparative European Politics*, 14(2), 131-153, 2016, DOI: 10.1057/cep.2015.40.
- Lehmann, W. "The European Parliament". In *Lobbying the EU* (Eds) Coen, D. & Richardson, J. 2009. Oxford University Press: New York
- Lord C., (2013). The Democratic Legitimacy of Co-Decision. *Journal of European Public Policy*, 20 (7): 1056-1073.
- Lord C., (2018). The European Parliament: a Working Parliament Without a Public? *Journal of Legislative Studies*, 24 (1): 34-50.
- Majone G., (2014) From Regulatory State to a Democratic Default. *Journal of Common Market Studies* 52 (6): 1216-1223.
- Majone, G., 2002. The European Commission: The Limits of Centralization and the Perils of Parliamentarization. *Governance*, 15(3), pp.375–392. Available at: <http://doi.wiley.com/10.1111/0952-1895.00193>.
- Marks G. & Hooghe L. (2009). A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus. *British Journal of Political Science*, 39 (1).
- Naurin, D. & Rasmussen, A. (2011). New External Rules, New Internal Games: How the EU Institutions Respond when Inter-institutional Rules Change. *West European Politics*, 34(February 2015), pp.1–17.
- Neyer, J., 2010. Justice, not democracy: Legitimacy in the European Union. *Journal of Common Market Studies*, 48(4), pp.903–921.

- OECD (2014). *Lobbyists, Governments and Public Trust, Volume 3, Implementing the OECD Principles for Transparency and Integrity in Lobbying*. [Online Access]
<http://www.oecd.org/gov/lobbyists-governments-and-public-trust-volume-3-9789264214224-en.htm>
- Olsen J. P. (2018). Democratic accountability and the changing European political order. *European Law Review*, 24 (1): 77-98.
- Parkinsons, J., Mansbridge, J. (2009). *Deliberative Systems: Deliberative Democracy at the Large Scale*. Cambridge University Press.
- Pedersen H., Halpin, D. & Rasmussen, A. (2015). Who Gives Evidence to Parliamentary Committees? A Comparative Investigation of Parliamentary Committees and their Constituencies. *Journal of Legislative Studies*, 21(3), 408-427.
- Radelli, C. M. (1999). The public policy of the European Union: whither politics of expertise?. *Journal of European Public Policy*, 6(5), 757-774.
- Rasmussen M.K. (2015). The Battle for Influence: The Politics of Business Lobbying in the European Parliament. *JCMS: Journal of Common Market Studies*, 53(2), pp.365–382. Available at: <http://doi.wiley.com/10.1111/jcms.12156>.
- Reh, C. Héritier, A, Bressaneli, E. Koop, C. (2013). The Informal Politics of Legislation; Explaining Secluded Decision-making in the European Union, *Comparative Political Studies*, 46 (9), pp.1112-1142.
- Rosén, G. & Törnblad, S. (2018). How does expert knowledge travel between EU institutions? The case of the Transatlantic Trade and Investment Partnership. *European Politics & Society* (forthcoming)
 Available: <https://doi.org/10.1080/23745118.2018.1515870>
- Scharpf, F.W. (1998). Independence and Democratic Legitimation. MPIfG Working Papers. Online: <http://www.mpifg.de/pu/workpap/wp98-2/wp98-2.html>
- Schmidt V. A. (2004). *Democracy in Europe; the EU and National Politics*. Oxford University Press. New York.
- Weale A. (2018). *The Will of the People: A Modern Myth*. Wiley
- Westlake M. (2018). The European Parliament - Coming of Age. *Journal of Legislative Studies* 24 (1): 173-178.
- Zürn, M., Binder, M. & Ecker-Ehrhardt, M. (2012). International authority and its politicization. *International Theory*, 4(2012), pp.69–106.